

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NEW YORK**

ERICA L. HARRIS,)
)
Plaintiff,)
) No.: 1:12-cv-00356-RJA
v.)
)
JACOBS MARSH, LLC)
)
Defendant.)
)

NOTICE OF APPEAL

Notice is hereby given that Plaintiff, Erica L. Harris, hereby appeals to the United States Court of Appeals for the Second Circuit from an Order denying Plaintiff's Motion for Attorney's Fees and Costs (docket entry 68) entered in this action on March 21, 2016.

Respectfully submitted,

KIMMEL & SILVERMAN, P.C.

DATED: 04/20/16

BY: /s/ Craig Thor Kimmel
Craig Thor Kimmel
30 East Butler Pike
Ambler, PA 19002
Phone: (215) 540-8888
Fax: (877)788-2864
Email: kimmel@creditlaw.com
Attorney for Plaintiff

APPEAL,CLOSED_2016,HBS,HBS2,MEDIATION

U.S. DISTRICT COURT
U.S. District Court, Western District of New York (Buffalo)
CIVIL DOCKET FOR CASE #: 1:12-cv-00356-RJA-HBS

Harris v. Jacobs Marsh
Assigned to: Hon. Richard J. Arcara
Referred to: Hon. Hugh B. Scott
Cause: 15:1692 Fair Debt Collection Act

Date Filed: 04/23/2012
Date Terminated: 03/30/2016
Jury Demand: Plaintiff
Nature of Suit: 480 Consumer Credit
Jurisdiction: Federal Question

Plaintiff

Erica L Harris

represented by **Craig Thor Kimmel**
Kimmel & Silverman, P.C.
1207 Delaware Avenue
Suite 440
Buffalo, NY 14209
716-332-6112
Fax: 800-863-1689
Email: teamkimmel@creditlaw.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Amy L. Bennecoff
Kimmel & Silverman PC
30 E. Butler Avenue
Ambler, PA 19002
215-540-8888
Fax: 877-778-2864
Email: abennecoff@creditlaw.com
PRO HAC VICE
ATTORNEY TO BE NOTICED

Jacob U. Ginsburg
Kimmel & Silverman PC
30 E. Butler Pike
Ambler, PA 19001
215-540-8888
Fax: 877-788-2864
Email: jginsburg@creditlaw.com
TERMINATED: 09/27/2012
PRO HAC VICE

V.

Defendant

Jacobs Marsh, LLC

represented by **Brendan H. Little**
Lippes Mathias Wexler Friedman LLP
50 Fountain Plaza
Suite 1700
Buffalo, NY 14202
716-853-5100
Fax: 716-853-5199
Email: blittle@lippes.com
ATTORNEY TO BE NOTICED

Counter Claimant

Jacobs Marsh, LLC
TERMINATED: 08/24/2012

represented by **Brendan H. Little**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Counter Defendant**Erica L Harris**

TERMINATED: 08/24/2012

represented by **Craig Thor Kimmel**

(See above for address)

LEAD ATTORNEY**ATTORNEY TO BE NOTICED****Jacob U. Ginsburg**

(See above for address)

TERMINATED: 09/27/2012

PRO HAC VICE

Date Filed	#	Docket Text
04/23/2012	<u>1</u>	COMPLAINT against Jacobs Marsh (Filing fee \$ 350 receipt number 0209-1577743.), filed by Erica L Harris. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Civil Cover Sheet, # <u>4</u> Summons)(Kimmel, Craig) (Entered: 04/23/2012)
04/24/2012		Case Assigned to Hon. Richard J. Arcara. (KB) (Entered: 04/24/2012)
04/24/2012	<u>2</u>	Summons Issued sent to attorney as to all Defendants. (KB) (Entered: 04/24/2012)
04/24/2012	<u>3</u>	AUTOMATIC REFERRAL to Mediation: ADR plan forwarded to plaintiff(s) attorney. (KB) (Entered: 04/24/2012)
04/24/2012	<u>4</u>	NOTICE to Consent to proceed before a Magistrate Judge. (KB) (Entered: 04/24/2012)
05/16/2012	<u>5</u>	ANSWER to <u>1</u> Complaint, COUNTERCLAIM against Erica L Harris by Jacobs Marsh, LLC.(Little, Brendan) (Entered: 05/16/2012)
05/16/2012	<u>6</u>	Corporate Disclosure Statement by Jacobs Marsh, LLC. (Little, Brendan) (Entered: 05/16/2012)
05/17/2012	<u>7</u>	TEXT ORDER REFERRING CASE to Magistrate Judge Hon. Hugh B. Scott The Magistrate Judge is hereby designated to act in this case as follows: Pursuant to 28 U.S.C. Section 636(b)(1)(A) and (B), all pre-trial matters in this case are referred to the above-named United States Magistrate Judge, including but not limited to: (1) conduct of a scheduling conference and entry of a scheduling order pursuant to Fed. R. Civ. P. 16, (2) hearing and disposition of all non-dispositive motions or applications, (3) supervision of discovery, and (4) supervision of all procedural matters involving the aforementioned or involving the preparation of the case or any matter therein for consideration by the District Judge. The Magistrate Judge shall also hear and report upon dispositive motions for the consideration of the District Judge pursuant to 28 U.S.C. Section 636(b)(1)(B) and (C). All motions or applications shall be filed with the Clerk and made returnable before the Magistrate Judge. The parties are encouraged to consider the provisions of 28 U.S.C. Section 636(c) governing consent to either partial or complete disposition of the case, including trial if necessary, by the Magistrate Judge. Consent forms are available from the office of the Magistrate Judge or the office of the Clerk of Court. IT IS SO ORDERED.. Signed by Hon. Richard J. Arcara on 5/17/2012. (JMB) (Entered: 05/17/2012)
05/17/2012	<u>8</u>	ADR Plan electronically forwarded to attorneys.(DZ) (Entered: 05/17/2012)
05/18/2012	<u>9</u>	<p style="text-align: center;">ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</p> <p style="text-align: center;">ORDER</p> <p>Scheduling Conference set for Tues., 6/19/2012, 10:30 AM, before Hon. Hugh B. Scott.</p> <p>So Ordered. Signed by Hon. Hugh B. Scott on 5/18/2012. (DRH) (Entered: 05/18/2012)</p>

06/06/2012	<u>10</u>	MOTION to Dismiss <i>Defendant, Jacobs Marsh, LLC's, Counterclaim</i> by Erica L Harris. Responses due by 6/20/2012. (Attachments: # <u>1</u> Table of Contents and Table of Authorities along with the Memorandum in Support of Motion, # <u>2</u> Certificate of Service)(Kimmel, Craig) (Entered: 06/06/2012)
06/07/2012	11	<p align="center">ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</p> <p align="center">TEXT ORDER re <u>10</u> MOTION to Dismiss <i>Defendant, Jacobs Marsh, LLC's, Counterclaim</i> filed by Erica L Harris</p> <p>Responses due by 6/22/2012 (and not the date indicated with the Motion), Replies due by 6/29/2012, Motion deemed submitted (without oral argument) on 6/29/2012 unless review of the papers indicates that argument is warranted.</p> <p>The Scheduling Conference of 6/19/2012 (Docket No. 9) remains as scheduled.</p> <p>So Ordered. Signed by Hon. Hugh B. Scott on 6/7/2012. (DRH) (Entered: 06/07/2012)</p>
06/07/2012	<u>12</u>	MOTION to appear pro hac vice of <i>Jacob U. Ginsburg</i> (Filing fee \$ 75 receipt number 0209-1604182.) by Erica L Harris. (Attachments: # <u>1</u> Petition, # <u>2</u> Attorney's Oath, # <u>3</u> Sponsoring Affidavit, # <u>4</u> Appendix to Civility Principles – Oath of Office, # <u>5</u> Cetificate of Good Standing)(Kimmel, Craig) (Entered: 06/07/2012)
06/08/2012		Confirmed admission to the Pennsylvania State Bar for attorney Jacob U. Ginsburg (DZ) (Entered: 06/08/2012)
06/11/2012		E-Filing Notification: No proof of service. Action required: File proof of service <u>12</u> MOTION to appear pro hac vice of <i>Jacob U. Ginsburg</i> (Filing fee \$ 75 receipt number 0209-1604182.) MOTION to appear pro hac vice of <i>Jacob U. Ginsburg</i> (Filing fee \$ 75 receipt number 0209-1604182.) (DRH) (Entered: 06/11/2012)
06/11/2012	<u>13</u>	CERTIFICATE OF SERVICE by Erica L Harris re <u>12</u> MOTION to appear pro hac vice of <i>Jacob U. Ginsburg</i> (Filing fee \$ 75 receipt number 0209-1604182.) MOTION to appear pro hac vice of <i>Jacob U. Ginsburg</i> (Filing fee \$ 75 receipt number 0209-1604182.) (Kimmel, Craig) (Entered: 06/11/2012)
06/11/2012		E-Filing Notification: <u>13</u> CERTIFICATE OF SERVICE (Kimmel, Craig) **Document to be re-filed in proper format with case caption and case number** (DZ) (Entered: 06/12/2012)
06/12/2012	<u>14</u>	CERTIFICATE OF SERVICE by Erica L Harris re <u>12</u> MOTION to appear pro hac vice of <i>Jacob U. Ginsburg</i> (Filing fee \$ 75 receipt number 0209-1604182.) MOTION to appear pro hac vice of <i>Jacob U. Ginsburg</i> (Filing fee \$ 75 receipt number 0209-1604182.) (Kimmel, Craig) (Entered: 06/12/2012)
06/12/2012	<u>15</u>	<p align="center">ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</p> <p align="center">ORDER granting <u>12</u> Motion for Pro Hac Vice</p> <p>Upon payment of admission fee and registration with this Court's ECF system, Jacob U. Ginsburg, Esq., is admitted <i>pro hac vice</i> for plaintiff.</p> <p>So Ordered. Signed by Hon. Hugh B. Scott on 6/12/2012. (DRH) (Entered: 06/12/2012)</p>
06/12/2012	<u>16</u>	DISCOVERY PLAN by Erica L Harris.(Kimmel, Craig) (Entered: 06/12/2012)
06/13/2012	17	<p align="center">ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</p> <p align="center">TEXT ORDER re <u>2</u> Order, Set Hearings</p> <p>Upon plaintiff's counsel's request to have co-counsel appear at 6/19/2012 Scheduling Conference by telephone (letter of Craig Thor Kimmel, Esq., to Chambers 6/12/2012), Jacob Ginsburg is granted leave to appear by telephone. The Court will contact Mr. Ginsburg at the telephone number indicated by plaintiff's counsel when the 6/19/2012 conference begins.</p>

		So Ordered. Signed by Hon. Hugh B. Scott on 6/13/2012. (DRH) (Entered: 06/13/2012)
06/19/2012	<u>18</u>	<p style="text-align: center;">HONORABLE HUGH B. SCOTT</p> <p style="text-align: center;">TEXT OF MINUTE ENTRY</p> <p style="text-align: center;">For proceedings held before Magistrate Judge Hugh B. Scott:</p> <p>Jacob Ginsburg, Esq. (by telephone) for plaintiff; Brendan Little, Esq. for defendant</p> <p>Scheduling Conference held on 6/19/2012. Court to adopt parties proposed Discovery Plan (Docket No. 16) deadlines. Parties to select mediator. Plaintiff noted pending motion to dismiss counterclaims (Docket No. 10). (DRH) (Entered: 06/19/2012)</p>
06/19/2012	<u>19</u>	<p style="text-align: center;">ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</p> <p style="text-align: center;">SCHEDULING/CASE MANAGEMENT ORDER</p> <p>(Please Note: This docket text may <u>not</u> contain the entire contents of the attached Order. It is your responsibility to read the attached Order and download it for future reference. Direct any questions to the Chambers of the Judge who entered this Order.)</p> <p>Motions to Join Parties/Amend Pleadings due by 7/31/2012.</p> <p>Stipulation of Selection of Mediator due by 7/17/2012. First Mediation Session due by 9/11/2012. Mediation To End by 12/19/2012.</p> <p>Plaintiff Expert Witness ID due by 8/17/2012, Defendant Expert Witness ID due by 9/17/2012, Motions to Compel Discovery due by 9/28/2012, Discovery completed by 10/9/2012.</p> <p>Dispositive Motions due by 11/9/2012.</p> <p>Final Pretrial Conference and Jury Trial dates to be set by Judge Arcara in a separate Order.</p> <p>So Ordered. Signed by Hon. Hugh B. Scott on 6/19/2012. (DRH) (Entered: 06/19/2012)</p>
06/22/2012	<u>20</u>	RESPONSE in Opposition re <u>10</u> MOTION to Dismiss <i>Defendant, Jacobs Marsh, LLC's, Counterclaim</i> filed by Jacobs Marsh, LLC. (Attachments: # <u>1</u> Certificate of Service)(Little, Brendan) (Entered: 06/22/2012)
06/29/2012	<u>21</u>	REPLY to Response to Motion re <u>10</u> MOTION to Dismiss <i>Defendant, Jacobs Marsh, LLC's, Counterclaim</i> filed by Erica L Harris. (Attachments: # <u>1</u> Certificate of Service)(Kimmel, Craig) (Entered: 06/29/2012)
07/06/2012	<u>22</u>	<p style="text-align: center;">MAGISTRATE JUDGE HUGH B. SCOTT</p> <p style="text-align: center;">REPORT & RECOMMENDATIONS</p> <p style="text-align: center;">Re <u>10</u> MOTION to Dismiss <i>Defendant, Jacobs Marsh, LLC's, Counterclaim</i> filed by Erica L Harris</p> <p>It is recommended that plaintiff's Motion to Dismiss defendant's counterclaim (Docket No. 10) be granted. Objections due fourteen days from receipt, or by 7/20/2012.</p> <p>So Ordered. Signed by Hon. Hugh B. Scott on 7/6/2012. (DRH) (Entered: 07/06/2012)</p>
07/16/2012	<u>23</u>	OBJECTIONS by Jacobs Marsh, LLC to MAGISTRATE JUDGE HUGH B. SCOTT'S Report and Recommendation (Attachments: # <u>1</u> Certificate of Service)(Little, Brendan) text modified on 7/17/2012 (DZ). (Entered: 07/16/2012)
07/16/2012		E-Filing Notification: <u>23</u> **text modified to indicate document is OBJECTIONS by Jacobs Marsh, LLC to MAGISTRATE JUDGE HUGH B. SCOTT'S Report and

		Recommendation. (DZ) (Entered: 07/17/2012)
07/17/2012	<u>24</u>	TEXT ORDER: the response of plaintiff Erica L. Harris to the Objections of defendant Jacobs, Marsh LLC <u>23</u> shall be due August 7, 2012. A reply of the defendant, or a notice of no reply, shall be due August 21, 2012. Oral argument shall be at the discretion of the Court. Issued by Hon. Richard J. Arcara on July 17, 2012. (WJG) (Entered: 07/17/2012)
07/20/2012	<u>25</u>	REPLY/RESPONSE to re <u>23</u> Appeal of Magistrate Judge Decision to District Court filed by Erica L Harris. (Kimmel, Craig) (Entered: 07/20/2012)
08/02/2012	<u>26</u>	Stipulation--Selection of Mediator by Erica L Harris. (Kimmel, Craig) (Entered: 08/02/2012)
08/10/2012	<u>27</u>	MOTION to appear pro hac vice of <i>Amy L. Bennecoff</i> (Filing fee \$ 75 receipt number 0209-1641854.) by Erica L Harris. (Attachments: # <u>1</u> Petition, # <u>2</u> Attorney's Oath, # <u>3</u> Sponsoring Affidavit, # <u>4</u> Appendix to Civility Principles - Oath of Office, # <u>5</u> Cetificates of Good Standing, # <u>6</u> Certificate of Service)(Kimmel, Craig) (Entered: 08/10/2012)
08/13/2012		Confirmed admission to the Pennsylvania State Bar for attorney Amy L. Bennecoff (DZ) (Entered: 08/13/2012)
08/16/2012	<u>28</u>	ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT ORDER granting <u>27</u> Motion for Pro Hac Vice Amy L. Bennecoff, Esq., may appear in this action on behalf of plaintiff. So Ordered. Signed by Hon. Hugh B. Scott on 8/16/2012. (DRH) (Entered: 08/16/2012)
08/16/2012	<u>29</u>	Mediation Certification by Douglas S. Coppola(Coppola, Douglas) (Entered: 08/16/2012)
08/21/2012	<u>30</u>	REPLY to Response to Motion re <u>22</u> REPORT AND RECOMMENDATIONS re <u>10</u> MOTION to Dismiss <i>Defendant, Jacobs Marsh, LLC's, Counterclaim</i> filed by Erica L Harris Objections due fourteen days from receipt.REPORT AND RECOMMENDATIONS re <u>10</u> MOTION to Dismiss <i>Defendant, Jacobs Marsh, LLC's, Counterclaim</i> filed by Erica L Harris Objections due fourteen days from receipt. filed by Jacobs Marsh, LLC. (Little, Brendan) (Entered: 08/21/2012)
08/21/2012		E-Filing Notification: <u>30</u> REPLY to Response to Motion re <u>22</u> REPORT AND RECOMMENDATIONS re <u>10</u> MOTION to Dismiss (Little, Brendan) **document filed without proof of service** (DZ) (Entered: 08/22/2012)
08/22/2012	<u>31</u>	CERTIFICATE OF SERVICE by Jacobs Marsh, LLC re <u>30</u> Reply to Response to Motion, (Little, Brendan) (Entered: 08/22/2012)
08/23/2012	<u>32</u>	ORDER granting <u>10</u> plaintiff's Motion to Dismiss defendant's counterclaim; adopting Report and Recommendation re <u>22</u> . Case is referred back to Magistrate Judge for further proceedings. Signed by Hon. Richard J. Arcara on 8/23/2012. (JMB) (Entered: 08/23/2012)
09/11/2012	<u>33</u>	MOTION to Compel <i>Deposition of the Plaintiff</i> by Jacobs Marsh, LLC. (Attachments: # <u>1</u> Certificate of Service)(Little, Brendan) (Entered: 09/11/2012)
09/11/2012	<u>34</u>	DECLARATION re <u>33</u> MOTION to Compel <i>Deposition of the Plaintiff</i> filed by Jacobs Marsh, LLC. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F)(Little, Brendan) (Entered: 09/11/2012)
09/11/2012	<u>35</u>	MEMORANDUM in Support re <u>33</u> MOTION to Compel <i>Deposition of the Plaintiff</i> filed by Jacobs Marsh, LLC. (Little, Brendan) (Entered: 09/11/2012)
09/12/2012	36	ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT TEXT ORDER re <u>33</u> MOTION to Compel <i>Deposition of the Plaintiff</i> filed by Jacobs Marsh, LLC

		<p>Responses due by 9/26/2012, Replies due by 10/3/2012, motion deemed submitted (without oral argument) on 10/3/2012.</p> <p>So Ordered. Signed by Hon. Hugh B. Scott on 9/12/2012. (DRH) (Entered: 09/12/2012)</p>
09/26/2012	<u>37</u>	<p>MEMORANDUM in Opposition re <u>33</u> MOTION to Compel <i>Deposition of the Plaintiff</i> filed by Erica L Harris. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D, # <u>5</u> Exhibit E, # <u>6</u> Exhibit F, # <u>7</u> Exhibit G, # <u>8</u> Exhibit H, # <u>9</u> Certificate of Service)(Kimmel, Craig) (Entered: 09/26/2012)</p>
09/26/2012	<u>38</u>	<p>DECLARATION signed by Craig Thor Kimmel re <u>37</u> Memorandum in Opposition to Motion, filed by Erica L Harris filed by Erica L Harris. (Kimmel, Craig) (Entered: 09/26/2012)</p>
10/03/2012	<u>39</u>	<p>REPLY to Response to Motion re <u>33</u> MOTION to Compel <i>Deposition of the Plaintiff</i> filed by Jacobs Marsh, LLC. (Attachments: # <u>1</u> Certificate of Service)(Little, Brendan) (Entered: 10/03/2012)</p>
10/09/2012	<u>40</u>	<p style="text-align: center;">ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</p> <p style="text-align: center;">ORDER granting in part and denying in part <u>33</u> Motion to Compel</p> <p>Defendant's Motion to Compel (Docket No. 33) is granted in part, compelling plaintiff's deposition, but denied in part (denying discovery sanctions). Parties are to meet and confer to set the deposition date within fifteen (15) days of entry of this Order. This deposition will be held no later than 1/11/2013.</p> <p>An Amended Scheduling Order also is entered.</p> <p>So Ordered. Signed by Hon. Hugh B. Scott on 10/9/2012. (DRH) (Entered: 10/09/2012)</p>
10/09/2012	<u>41</u>	<p style="text-align: center;">ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</p> <p style="text-align: center;">AMENDED SCHEDULING/CASE MANAGEMENT ORDER</p> <p>(Please Note: This docket text may <u>not</u> contain the entire contents of the attached Order. It is your responsibility to read the attached Order and download it for future reference. Direct any questions to the Chambers of the Judge who entered this Order.)</p> <p>As previously ordered (Docket No. 40), the Scheduling Order (Docket No. 19) is amended as follows: Motions to Compel Discovery due by 1/28/2013, Discovery completed by 2/28/2013, Dispositive Motions due by 5/29/2013. Plaintiff to be deposed no later than 1/11/2013.</p> <p>So Ordered. Signed by Hon. Hugh B. Scott on 10/9/2012. (DRH) (Entered: 10/09/2012)</p>
02/28/2013	<u>42</u>	<p>MOTION for Extension of Time to Complete Discovery by Erica L Harris. (Attachments: # <u>1</u> Affirmation of Amy L. Bennecoff, # <u>2</u> Certificate of Service)(Bennecoff, Amy) (Entered: 02/28/2013)</p>
02/28/2013	<u>43</u>	<p>MOTION to Expedite <i>Hearing of Motion to Extend the Discovery Deadline</i> by Erica L Harris. (Attachments: # <u>1</u> Affirmation of Amy L. Bennecoff, # <u>2</u> Certificate of Service)(Bennecoff, Amy) (Entered: 02/28/2013)</p>
03/01/2013	44	<p style="text-align: center;">ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</p> <p style="text-align: center;">TEXT ORDER granting <u>43</u> Motion to Expedite</p> <p>Discovery deadline held in abeyance pending resolution of plaintiff's other Motion for extension of time to complete discovery (Docket No. 42).</p> <p>So Ordered. Signed by Hon. Hugh B. Scott on 3/1/2013. (DRH) (Entered: 03/01/2013)</p>

03/04/2013	<u>45</u>	<p align="center">ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</p> <p align="center">TEXT ORDER re <u>41</u> Terminate Scheduling Order Deadlines, <u>42</u> MOTION for Extension of Time to Complete Discovery filed by Erica L Harris,</p> <p align="center">SECOND AMENDED SCHEDULING/CASE MANAGEMENT ORDER</p> <p>(Please Note: It is your responsibility to read this Order and download it for future reference. Direct any questions to the Chambers of the Judge who entered this Order.)</p> <p>Plaintiff's Motion Docket No. 42) to extend the discovery deadline is granted.</p> <p>Motions to Compel Discovery due by 3/15/2013, Discovery completed by 4/1/2013. Dispositive Motions due by 6/3/2013. If no dispositive motions are filed, parties are instructed to contact the Chambers of Judge Arcara to schedule the Final Pretrial Conference. That Final Pretrial Conference and Trial date to be scheduled by Judge Arcara in a separate Order.</p> <p>So Ordered. Signed by Hon. Hugh B. Scott on 3/4/2013. (DRH) (Entered: 03/04/2013)</p>
03/04/2013	<u>46</u>	<p align="center">ORDER OF MAGISTRATE JUDGE HUGH B. SCOTT</p> <p align="center">TEXT ORDER granting <u>42</u> Motion for Extension of Time to Complete Discovery</p> <p>See Docket No. 45.</p> <p>So Ordered. Signed by Hon. Hugh B. Scott on 3/4/2013. (DRH) (Entered: 03/04/2013)</p>
04/09/2013	<u>47</u>	NOTICE of Settlement by Jacobs Marsh, LLC (Little, Brendan) (Entered: 04/09/2013)
04/10/2013	<u>48</u>	TEXT ORDER: Plaintiff Harris shall file any application for attorney fees on or before May 1, 2013. Defendant Jacobs, Marsh LLC shall respond no later than May 15, 2013. Plaintiff shall reply, or file a notice of no reply, no later than May 22, 2013. Oral argument will be at the discretion of the Court. Issued by Hon. Richard J. Arcara on April 10, 2013. (WJG) (Entered: 04/10/2013)
05/01/2013	<u>49</u>	MOTION for Attorney Fees <i>and Costs</i> by Erica L Harris. (Attachments: # <u>1</u> Certificate of Service)(Bennecoff, Amy) (Entered: 05/01/2013)
05/01/2013	<u>50</u>	MEMORANDUM in Support re <u>49</u> MOTION for Attorney Fees <i>and Costs</i> filed by Erica L Harris. (Attachments: # <u>1</u> Exhibit A – Invoice for Services, # <u>2</u> Exhibit B – Declaration of Craig Thor Kimmel, # <u>3</u> Exhibit C – Declaration of Amy L. Bennecoff, # <u>4</u> Exhibit D – Declaration of Tara L. Patterson, # <u>5</u> Exhibit E – Paragraph 3 of Settlement Agreement)(Bennecoff, Amy) (Entered: 05/01/2013)
05/22/2013	<u>52</u>	REPLY to Response to Motion re <u>49</u> MOTION for Attorney Fees <i>and Costs</i> filed by Erica L Harris. (Attachments: # <u>1</u> Exhibit A – Email Correspondence, # <u>2</u> Certificate of Service)(Bennecoff, Amy) (Entered: 05/22/2013)
05/23/2013	<u>53</u>	MOTION to Strike 51 Memorandum in Opposition to Motion by Erica L Harris. (Attachments: # <u>1</u> Certificate of Service)(Kimmel, Craig) (Entered: 05/23/2013)
05/23/2013	<u>54</u>	MOTION to Strike 51 Memorandum in Opposition to Motion by Erica L Harris. (Attachments: # <u>1</u> Certificate of Service)(Bennecoff, Amy) (Entered: 05/23/2013)
05/23/2013	<u>55</u>	MEMORANDUM in Support re <u>54</u> MOTION to Strike 51 Memorandum in Opposition to Motion filed by Erica L Harris. (Bennecoff, Amy) (Entered: 05/23/2013)
05/23/2013	<u>56</u>	MOTION for Recusal by Erica L Harris.(Bennecoff, Amy) (Entered: 05/23/2013)
05/23/2013	<u>57</u>	MEMORANDUM in Support re <u>56</u> MOTION for Recusal filed by Erica L Harris. (Attachments: # <u>1</u> Affidavit of Amy L. Bennecoff, # <u>2</u> Certificate of Service)(Bennecoff, Amy) (Entered: 05/23/2013)
05/23/2013	<u>58</u>	MOTION to Enforce Confidentiality of the Settlement Agreement by Erica L Harris.(Bennecoff, Amy) (Entered: 05/23/2013)

05/23/2013	<u>59</u>	MEMORANDUM in Support re <u>58</u> MOTION to Enforce Confidentiality of the Settlement Agreement filed by Erica L Harris. (Attachments: # <u>1</u> Exhibit A – Email to Defendant's Counsel, # <u>2</u> Certificate of Service)(Bennecoff, Amy) (Entered: 05/23/2013)
05/24/2013		E–Filing Notification: terminated <u>53</u> MOTION to Strike, see replacement Motion at no. <u>54</u> (SG) (Entered: 05/24/2013)
06/14/2013	<u>61</u>	REPLY to Response to Motion re <u>56</u> MOTION for Recusal , <u>58</u> MOTION to Enforce Confidentiality of the Settlement Agreement , <u>54</u> MOTION to Strike 51 Memorandum in Opposition to Motion filed by Erica L Harris. (Attachments: # <u>1</u> Certificate of Service)(Bennecoff, Amy) (Entered: 06/14/2013)
06/17/2013	<u>62</u>	MOTION to Seal <i>DEFENDANTS OPPOSITION TO FEE PETITION DUE TO BREACH OF CONFIDENTIALITY [D.E. 51] AND DEFENDANTS MEMORANDUM IN OPPOSITION RE MOTION FOR RECUSAL, MOTION TO ENFORCE CONFIDENTIALITY OF THE SETTLEMENT AGREEMENT, AND MOTION TO STRIKE [D.E.60]</i> by Erica L Harris. (Attachments: # <u>1</u> Certificate of Service)(Kimmel, Craig) (Entered: 06/17/2013)
06/17/2013	<u>63</u>	MEMORANDUM in Support re <u>62</u> MOTION to Seal <i>DEFENDANTS OPPOSITION TO FEE PETITION DUE TO BREACH OF CONFIDENTIALITY [D.E. 51] AND DEFENDANTS MEMORANDUM IN OPPOSITION RE MOTION FOR RECUSAL, MOTION TO ENFORCE CONFIDENTIALITY OF THE SETTLEMENT AGREEMENT, AND MOTION TO STRIKE [D.E. filed by Erica L Harris. (Bennecoff, Amy) (Entered: 06/17/2013)</i>
06/22/2013	<u>64</u>	MEMORANDUM in Opposition re <u>62</u> MOTION to Seal <i>DEFENDANTS OPPOSITION TO FEE PETITION DUE TO BREACH OF CONFIDENTIALITY [D.E. 51] AND DEFENDANTS MEMORANDUM IN OPPOSITION RE MOTION FOR RECUSAL, MOTION TO ENFORCE CONFIDENTIALITY OF THE SETTLEMENT AGREEMENT, AND MOTION TO STRIKE [D.E. filed by Jacobs Marsh, LLC. (Attachments: # <u>1</u> Certificate of Service)(Little, Brendan) (Entered: 06/22/2013)</i>
06/28/2013	<u>65</u>	REPLY to Response to Motion re <u>62</u> MOTION to Seal <i>DEFENDANTS OPPOSITION TO FEE PETITION DUE TO BREACH OF CONFIDENTIALITY [D.E. 51] AND DEFENDANTS MEMORANDUM IN OPPOSITION RE MOTION FOR RECUSAL, MOTION TO ENFORCE CONFIDENTIALITY OF THE SETTLEMENT AGREEMENT, AND MOTION TO STRIKE [D.E. filed by Erica L Harris. (Attachments: # <u>1</u> Certificate of Service)(Bennecoff, Amy) (Entered: 06/28/2013)</i>
07/30/2013	66	TEXT ORDER: Counsel for the plaintiff, Erica Harris, shall file a memorandum of law addressing: (1) whether parties to a federal civil case can lawfully agree to keep a settlement agreement secret from the Judge presiding over the case; (2) if so, under what circumstances and pursuant to what legal standards parties to a federal civil case lawfully can agree to keep a settlement agreement secret from the Judge presiding over the case; and (3) if so, how any such authority to keep a settlement agreement secret from the Judge presiding over the case applies to the settlement agreement in this case. The memorandum of law shall be due August 20, 2013. Issued by Hon. Richard J. Arcara on July 30, 2013. (WJG) (Entered: 07/30/2013)
08/20/2013	<u>67</u>	REPLY/RESPONSE to re 66 Text Order,, filed by Erica L Harris. (Attachments: # <u>1</u> Certificate of Service)(Bennecoff, Amy) (Entered: 08/20/2013)
03/21/2016	<u>68</u>	DECISION AND ORDER: Plaintiff's motion for attorney fees and costs <u>49</u> is denied. Plaintiff's motion to strike defendant's opposition to the motion for attorney fees <u>54</u> , plaintiff's motion for recusal <u>56</u> , and plaintiff's motion to enforce <u>58</u> are all denied as moot. Plaintiff's motion to seal <u>62</u> is granted. SO ORDERED. Signed by Hon. Richard J. Arcara on 3/18/16. (LAS) (Entered: 03/21/2016)
03/23/2016	69	–CLERK TO FOLLOW UP–TEXT ORDER: In light of the Decision and Order <u>68</u> the Clerk of Court shall take all steps necessary to close the case. Issued by Hon. Richard J. Arcara on 3/22/16. (LAS) (Entered: 03/23/2016)
04/20/2016	<u>70</u>	NOTICE OF APPEAL as to <u>68</u> Decision and Order, Terminate Motions,, by Erica L Harris. Filing fee \$ 505, receipt number 0209–2512433. (Attachments: # <u>1</u> Certificate of Service)(Kimmel, Craig) (Entered: 04/20/2016)